

PTO/SB/21 (02-04)

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JFW

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/713,071
	Filing Date	Nov 17, 2003
	First Named Inventor	Kia Silverbrook
	Art Unit	2853
	Examiner Name	Raquel Yvette Gordon
Total Number of Pages in This Submission	ZF197US	

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Remarks	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please Identify below):
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kia Silverbrook	
Signature		
Date	Sept 7, 2004	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Kia Silverbrook	
Signature		Date
	Sept 7, 2004	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 110.00)

Complete if Known

Application Number	10/713,071
Filing Date	Nov 17, 2003
First Named Inventor	Kia Silverbrook
Examiner Name	Raquel Yvette Gordon
Art Unit	2853
Attorney Docket No.	ZF197US

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number	[Redacted]
Deposit Account Name	[Redacted]

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	[Redacted]
1002 340	2002 170	Design filing fee	[Redacted]
1003 530	2003 265	Plant filing fee	[Redacted]
1004 770	2004 385	Reissue filing fee	[Redacted]
1005 160	2005 80	Provisional filing fee	[Redacted]
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	[Redacted] X [Redacted] = [Redacted]	[Redacted]
			- 3** =	[Redacted] X [Redacted] = [Redacted]	[Redacted]

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	[Redacted]
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	[Redacted]
1053 130	1053 130	Non-English specification	[Redacted]
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	[Redacted]
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	[Redacted]
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	[Redacted]
1251 110	2251 55	Extension for reply within first month	[Redacted]
1252 420	2252 210	Extension for reply within second month	[Redacted]
1253 950	2253 475	Extension for reply within third month	[Redacted]
1254 1,480	2254 740	Extension for reply within fourth month	[Redacted]
1255 2,010	2255 1,005	Extension for reply within fifth month	[Redacted]
1401 330	2401 165	Notice of Appeal	[Redacted]
1402 330	2402 165	Filing a brief in support of an appeal	[Redacted]
1403 290	2403 145	Request for oral hearing	[Redacted]
1451 1,510	1451 1,510	Petition to institute a public use proceeding	[Redacted]
1452 110	2452 55	Petition to revive - unavoidable	[Redacted]
1453 1,330	2453 665	Petition to revive - unintentional	[Redacted]
1501 1,330	2501 665	Utility issue fee (or reissue)	[Redacted]
1502 480	2502 240	Design issue fee	[Redacted]
1503 640	2503 320	Plant issue fee	[Redacted]
1460 130	1460 130	Petitions to the Commissioner	[Redacted]
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	[Redacted]
1806 180	1806 180	Submission of Information Disclosure Stmt	[Redacted]
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	[Redacted]
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	[Redacted]
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	[Redacted]
1801 770	2801 385	Request for Continued Examination (RCE)	[Redacted]
1802 900	1802 900	Request for expedited examination of a design application	[Redacted]
Other fee (specify)		Terminal Disclaimer	\$110.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 110.00)

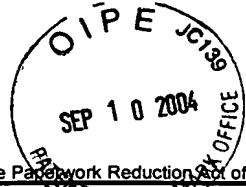
SUBMITTED BY

Name (Print/Type)	Kia Silverbrook	Registration No. (Attorney/Agent)		Telephone *61298186633
Signature	[Signature]		Date	Sept 7, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATIONDocket Number (Optional)
ZF197US

In re Application of: Kia Silverbrook
Application No.: 10/713,071
Filed: November 17, 2003
For: Micro-Electromechanical Device That Incorporates A Motion-Transmitting Structure

The owner*, Kia Silverbrook, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/713,093, filed on Nov 17, 2003, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record.

Sept 7, 2004

Signature

Date

Kia Silverbrook

Typed or printed name

61-2-9818-6633

Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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In the United States Patent and Trademark Office

Serial Number: 10/713,071

Application Filed: Nov 17, 2003

Applicant: Kia Silverbrook

Application Title: Micro-Electromechanical Device That Incorporates A Motion-Transmitting Structure

Examiner/GAU: Raquel Yvette Gordon/ 2853

Dated Sept 7, 2004
At: Balmain, NSW
Docket No. ZF197US

REPLY

Commissioner for Patents
Washington, District of Columbia 20231

Dear Sir:

In response to the Office Action of July 28, 2004, the Applicant encloses a Terminal Disclaimer to overcome the double patenting objection.

It is respectfully submitted that all of the Examiner's objections have been successfully traversed. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application are courteously solicited.

Very respectfully,

Applicant:

Kia Silverbrook

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